

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

L. TUCKER,

Plaintiff,

v.

T. PENTRICH, *et al.*,

Defendants.

Case No. 09-13246

Honorable Nancy G. Edmunds

**ORDER AND OPINION ACCEPTING THE MAGISTRATE JUDGE'S JANUARY 13,
2015 REPORT AND RECOMMENDATION [76] AND DENYING PLAINTIFF'S
OBJECTIONS [78]**

Currently before the Court is the magistrate judge's January 13, 2015 report and recommendation. On January 30, 2015, Plaintiff filed an objection to the magistrate judge's conclusion that prison hearing officials are entitled to absolute judicial immunity. (Plf.'s Obj. at 1). Notwithstanding Plaintiff's failure to timely file his objection, the Court finds it to be without merit in any case. *See Evans v. Eaton*, 09-11856, 2009 WL 1606492, at *2 (E.D. Mich. June 4, 2009) ("[a]dditionally, prison hearings investigators or officers in Michigan are entitled to absolute judicial immunity from liability in a 42 U.S.C. § 1983 suit challenging their actions in conducting an administrative hearing." (citing *Shelly v. Johnson*, 849 F.2d 228, 230 (6th Cir.1988))). The Court therefore ACCEPTS and ADOPTS the magistrate judge's report and recommendation.

It is further ordered that Plaintiff's Motion for Summary Judgment [66] is DENIED, Defendants' Motion for Summary Judgment [70] is DENIED IN PART and GRANTED IN

PART, and Plaintiff's objections to the magistrate judge's report and recommendation are DENIED. [78]

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: February 5, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 5, 2015, by electronic and/or ordinary mail.

s/Carol J. Bethel
Case Manager